

## APPENDIX A16

### COURT APPROVED PROTOCOL

#### SPECIAL DISTRIBUTION BENEFIT WHERE FAMILY MEMBERS ATTEND HCV MEDICAL APPOINTMENTS

APPROVED AUGUST 2024

**This protocol applies to requests for compensation for Family Members accompanying Approved HCV Infected Persons and Approved Late Claim HCV Infected Persons to HCV Medical Appointments as provided for by the 2016 Allocation Orders.<sup>1</sup>**

#### GENERAL PROVISIONS

1. This protocol applies to requests for compensation for Family Members accompanying Approved HCV Infected Persons and Approved Late Claim HCV Infected Persons to HCV Medical Appointments for appointments that occur on or after September 1, 2024.
2. For the purpose of this protocol:
  - (a) Family Member means those family members referred to in clause (a) of the definition of Family Member in section 1.01 of the applicable Plan;
  - (b) HCV Medical Appointment for an Approved HCV Infected Person or Approved Late Claim HCV Infected Person at Disease Levels 1 to 4 means an in-person appointment for advice or treatment in respect of his or her HCV infection<sup>2</sup> with a Treating Physician or Nurse Practitioner who is providing his or her primary care in respect of the HCV infection. For greater certainty, an HCV Medical Appointment does not include an appointment with a physiotherapist, osteopath, psychologist, psychiatrist, chiropractor, massage therapist or other discipline for treatment or services related to the HCV infection;
  - (c) HCV Medical Appointment for an Approved HCV Infected Person or Approved Late Claim HCV Infected Person at Disease Level 5 or 6 means an in-person appointment for advice or treatment in respect of his or her HCV infection<sup>3</sup> or any of the conditions listed at Disease Level 5 or 6 caused by his or her HCV infection with a Treating Physician or Nurse Practitioner who is providing his or her

---

<sup>1</sup> Ontario order dated August 15, 2016, para. 6, Quebec judgment dated August 15, 2016, para. 260, and British Columbia order dated August 16, 2016, par. 6.

<sup>2</sup> For greater certainty, this includes follow-up appointments that may be required after an Approved HCV Infected Person or Approved Late Claim HCV Infected Person has achieved a sustained virologic response.

<sup>3</sup> For greater certainty, this includes follow-up appointments that may be required after an Approved HCV Infected Person or Approved Late Claim HCV Infected Person has achieved a sustained virologic response.

primary care in respect of the HCV infection or the listed condition caused by the HCV infection. For greater certainty, an HCV Medical Appointment does not include an appointment with a physiotherapist, osteopath, psychologist, psychiatrist, chiropractor, massage therapist or other discipline for treatment or services related to the HCV infection;

- (d) Nurse Practitioner means a nurse practitioner or other healthcare professional licensed to provide the applicable medical treatment and services in the relevant jurisdiction;
  - (e) Plan or Plans means the Transfused HCV Plan, the Hemophiliac HCV Plan or the HCV Late Claims Benefit Plan, as applicable; and
  - (f) Treating Physician means a medical doctor licensed to provide the applicable medical treatment and services in the relevant jurisdiction.
3. The amount payable on account of a Family Member accompanying an Approved HCV Infected Person or Approved Late Claim HCV Infected Person to an HCV Medical Appointment shall be limited to \$200 (2014 dollars)<sup>4</sup> per appointment regardless of whether more than one Family Member is in attendance and regardless of whether the appointment requires more than a single day.
  4. The Administrator shall determine the proof that must be provided in support of a claim for this Special Distribution Benefit in addition to proof of the requisite family relationship and a signed declaration from the Family Member attending the HCV Medical Appointment.
  5. The Administrator may pay a reasonable amount on account of fees to a Treating Physician or Nurse Practitioner to complete any forms and/or for hospital or other medical records that are required to support a claim for this Special Distribution Benefit. In assessing a reasonable amount for fees, the Administrator shall have regard to the British Columbia Medical Association Schedule of Revised Fees for Uninsured Services effective April 1, 2022, after indexing to present day dollars.

## OVERVIEW

6. As described below, there are three categories of HCV Medical Appointments for an Approved HCV Infected Person or Approved Late Claim HCV Infected Person that are eligible for compensation in accordance with the terms of this protocol: initial

---

<sup>4</sup> The amount payable will be indexed to the year in which the benefit is paid.

assessments, follow-up appointments for the primary care of the HCV infection that are unrelated to taking a course of direct acting anti-viral therapy, and appointments for direct acting anti-viral therapy.

7. The maximum number of HCV Medical Appointments that are compensable is based on disease level and is subject to an overall compensation cap where the Family Member accompanying the Approved HCV Infected Person or Approved Late Claim HCV Infected Person is also a paid caregiver under the Costs of Care benefit paid under the applicable Plan.

#### **PROVISIONS APPLICABLE TO DISEASE LEVELS 1 TO 4**

8. The maximum number of appointments that may be compensated when a Family Member accompanies a person who is subsequently approved as a Disease Level 1 to 4 Approved HCV Infected Person or Approved Late Claim HCV Infected Person to an HCV Medical Appointment for the initial assessment of the HCV infection is as follows:

<b>Disease Level</b>	<b>Appointments for initial assessment</b>
1 (F0, RNA-)	1 – 2
2 (F0, RNA+)	1 – 2
3 (F1-F2)	2 – 3
4 (F3)	2 – 3

9. Following the initial assessment, the maximum number of follow-up appointments in a calendar year that may be compensated when a Family Member accompanies a Disease Level 1 to 4 Approved HCV Infected Person or Approved Late Claim HCV Infected Person to a follow-up HCV Medical Appointment that is unrelated to direct acting anti-viral therapy is as follows:

<b>Disease Level</b>	<b>HCV follow-up appointments per calendar year</b>	<b>Imaging appointments per calendar year</b>	<b>Lab appointments per calendar year</b>
1 (F0, RNA-)	0 – 1	0	0
2 (F0, RNA+)	2	0	2
3 (F1-F2)	2	0 – 1	2
4 (F3)	2	0 – 2	2 - 3

For greater certainty, if the Approved HCV Infected Person or Approved Late Claim HCV Infected Person is assessed at a higher Disease Level during the course of a calendar year, the maximum number of follow-up appointments that may be compensated

when a Family Member accompanies him or her to an HCV Medical Appointment in that year shall be the number applicable to the higher Disease Level.

10. In addition to the foregoing, the maximum number of appointments that may be compensated when a Family Member accompanies a Disease Level 1 to 4 Approved HCV Infected Person or Approved Late Claim HCV Infected Person to an HCV Medical Appointment for direct acting anti-viral therapy is as follows:

<b>Disease Level</b>	<b>Appointments for anti-viral therapy</b>
1 (F0, RNA-)	0
2 (F0, RNA+)	2 – 4
3 (F1-F2)	2 – 4
4 (F3)	2 – 4

#### **PROVISIONS APPLICABLE TO DISEASE LEVELS 5 and 6**

11. The maximum number of appointments that may be compensated when a Family Member accompanies a person who is subsequently approved as a Disease Level 5 or 6 Approved HCV Infected Person or Approved Late Claim HCV Infected Person to an HCV Medical Appointment for the initial assessment of the HCV infection is as follows:

<b>Disease Level</b>	<b>Appointments for initial assessment</b>
5 (F4)	3 – 4
6 (Decompensation, HCC, LTX, Other)	4 – 6

12. Following the initial assessment, the maximum number of follow-up appointments that may be compensated in a calendar year when a Family Member accompanies a Disease Level 5 or 6 Approved HCV Infected Person or Approved Late Claim HCV Infected Person to a follow-up HCV Medical Appointment that is unrelated to direct acting anti-viral therapy is as follows:

<b>Disease Level</b>	<b>HCV follow-up appointments per calendar year</b>	<b>Imaging appointments per calendar year</b>	<b>Lab appointments per calendar year</b>
5 (F4)	2 – 4	2 – 3	2 - 6
6 (Decompensation,	10	10	10

HCC, LTX, Other)			
------------------	--	--	--

For greater certainty, if the Approved HCV Infected Person or Approved Late Claim HCV Infected Person is assessed at a higher Disease Level during the course of a calendar year, the maximum number of follow-up appointments that may be compensated when a Family Member accompanies him or her to an HCV Medical Appointment in that year shall be the number applicable to the higher Disease Level.

13. The maximum number of follow-up HCV Medical Appointments that may be compensated set out in paragraph 12 is presumptive only. The Approved HCV Infected Person or Approved Late Claim HCV Infected Person may provide information satisfactory to the Administrator, including medical evidence, that his or her medical condition due to the HCV Infection or conditions due to HCV is such that the maximum number of follow-up appointments that may be compensated in a calendar year when a Family Member accompanies him or her to an HCV Medical Appointment should be increased. The Administrator may in its unfettered discretion require confirmation from the Treating Physician or Nurse Practitioner or an independent medical specialist that the medical appointments for which the compensation is sought qualify as HCV Medical Appointments as defined herein and are reasonably required having regard to the Approved HCV Infected Person or Approved Late Claim HCV Infected Person's HCV infection or conditions due to her or his HCV infection.
14. In addition to the foregoing, the maximum number of appointments that may be compensated when a Family Member accompanies a Disease Level 5 or 6 Approved HCV Infected Person or Approved Late Claim HCV Infected Person to an HCV Medical Appointment for direct acting anti-viral therapy is as follows:

<b>Disease Level</b>	<b>Appointments for anti-viral therapy</b>
5 (F4)	2 – 6
6 (Decompensation, HCC, LTX, Other)	6 – 12

## **COMPENSATION CAP**

15. If the Family Member accompanying the Disease Level 6 Approved HCV Infected Person or Approved Late Claim HCV Infected Person to compensable HCV Medical Appointments is also a paid caregiver under the Costs of Care benefit paid under the applicable Plan, the total recovered for Costs of Care and this Special Distribution

Benefit for attending HCV Medical Appointments in a calendar year may not exceed the maximum allowable benefit under Costs of Care for the year.